

BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of:  
**BAJA CONCRETE USA CORP.,**  
**NEWWAY FORMING INC., and**  
**ANTONIO MACHADO**

) Hearing Examiner File:  
) **No:** LS-21-002  
) LS-21-003  
) LS-21-004

From a Final Order of the Decision issued by  
the Director, Seattle Office of Labor Standards

) [PROPOSED] ORDER GRANTING  
) APPELLANT MACHADO'S MOTIONS IN  
) LIMINE

**ORDER**

This matter having come before the Court on Motion of Appellant Antonio Machado and the Examiner having reviewed the record herein, the Examiner rules as follows:

1. Appellant Antonio Machado's Motion for Prehearing Finding that Mr. Machado was not a joint employer as a matter of law is GRANTED.
2. Appellant Antonio Machado's Motion for an order that Mr. Machado be permitted to observe the entire hearing is GRANTED.
3. Appellant Antonio Machado's Motion for an Order declaring that the City may not rely on information OLS did not possess as of August 25, 2021 to justify OLS' Findings of Fact, Determination, and Final Order is GRANTED.
4. Appellant Antonio Machado's Motion to exclude after acquired evidence marked as City's exhibits 12 and 26-33, and Baja's exhibit 158 is GRANTED.
5. Appellant Antonio Machado's Motion to limit the testimony of Mr. Parra Ponce, Mr. Gamboa Lopresti, Mr. Fernandez Borquez, Mr. Catalan Toro, Mr. Gomez Chavez, Mr.

[PROPOSED] ORDER GRANTING  
APPELLANT ANTONIO MACHADO'S  
MOTIONS IN LIMINE

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Hinestroza Diaz, Mr. Cespedes Rivera, Mr. Arriagada Aguillera, Mr. Fiol Martinez, Mr. Acosta Caballero, and Mr. Estrada Parra to information that was given to the OLS prior to the Determination is GRANTED.

6. Appellant Antonio Machado's Motion for an Order declaring that none of the workers identified as City witnesses are, or ever were, City clients, thus no attorney-client privilege protecting the communications between those workers and City attorneys exists is GRANTED.

ENTERED this \_\_\_\_ day of June, 2023.

Ryan Vancil, Hearing Examiner

*Presented by:*

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Attorneys for Appellant Machado

## DECLARATION OF SERVICE

I caused a copy of the foregoing [Proposed] Order Granting Appellant Antonio Machado's Motions in Limine to be served to the following in the manner indicated:

**Via Email to:**

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Attorneys for Respondents

On today's date.

1 I declare under penalty of perjury under the laws of the state of Washington that the  
2 foregoing is true and correct to the best of my belief.

3 Signed and DATED this 7th day of June 2023 in Seattle, Washington.

4  
5 s/ Elena Maltos

6 Elena Maltos, Paralegal  
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